



**US Army Corps
of Engineers**
Seattle District

Special Public Notice

US Army Corps of Engineers
Regulatory Branch
4735 E. Marginal Way S, Bldg 1202
Seattle, WA 98134-2388
Telephone: (206) 764-5527
ATTN: Ms. Jenae Churchill

Public Notice Date: November 22, 2021

ANNOUNCEMENT: The U.S. Army Corps of Engineers, Seattle District, Regulatory Branch (Corps) has issued Regional General Permit (RGP) 4 to authorize the maintenance, modification, construction, and retention of overwater structures in Southern Lake Chelan, in Washington State.

The Department of Ecology Water Quality Certification enclosure and RGP-4 General Conditions enclosure, and application procedures, project impact reduction and conservation measures of the RGP are detailed in the RGP-4 full text and can be found on our webpage at:

http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=mainpage_RGPs.

The RGP-4 is effective November 10, 2021. The expiration date of RGP-4 is November 10, 2026. This RGP-4 supersedes the RGP-4 issued on November 1, 2021.

BACKGROUND: This RGP has been issued to expedite the authorization of recurring activities that are similar in nature and have minor individual and cumulative adverse impact on the aquatic environment. The RGP includes completed agency coordination and standardized project impact reduction and conservations measures, including a variety of mitigation options which streamlines the process for the public and reduces the Corps' application review time.

APPLICATION PROCEDURE: Applicants must complete and submit a Joint Aquatic Resources Permit Application (JARPA), Appendix A: List of Requirements, and project drawings. The JARPA form can be found at http://www.epermitting.org/site/alias_resourcecenter/welcome/9978/welcome.aspx.

The Corps will inform the applicant if the application is complete and will complete the necessary review. The applicant may commence work only upon receipt of written approval from the Corps.



US Army Corps
of Engineers
Seattle District

Department of the Army Regional General Permit – 4



Maintenance, Modification, Construction, and Retention of Overwater Structures in Southern Lake Chelan, in the State of Washington

Effective Date: November 22, 2021

Expiration Date: November 22, 2026

Permit Number: CENWS-OD-RG-RGP-4

Authority: In accordance with 33 CFR 325.2(e)(2), the U.S. Army Corps of Engineers (Corps) has modified and issued Regional General Permit 4 (RGP-4) that authorizes certain activities in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

Issuing Office: U.S. Army Corps of Engineers, Seattle District
Regulatory Branch, CENWS-OD-RG
Post Office Box 3755
Seattle, Washington 98124-3755
(206) 764-3495

Purpose and Location: The purpose of RGP-4 is to authorize the maintenance, modification, construction, and retention of overwater structures in Southern Lake Chelan, in the State of Washington for the purpose of water access and recreation.

Use of RGP-4: To use RGP-4, a prospective permittee must first notify the Corps of the proposed work in accordance with the application procedures in this RGP. ***The proposed project is not authorized under this RGP, and work may not commence, until the District Engineer or their designee has issued written notification that the proposed project appears to meet the requirements of RGP-4 and is authorized.*** The permittee is responsible for ensuring that the authorized structures and/or activities comply with all applicable provisions of this RGP, including any project-specific special conditions that may be added by the District Engineer. Failure to abide by the requirements of this RGP may constitute a violation of the Clean Water Act and/or Rivers and Harbors Act. For purposes of this RGP, the term “permittee” shall include all successors in interest.

This RGP contains provisions intended to protect the environment and cultural resources. Work that will not comply with these provisions is not authorized by this RGP and may require Department of the Army authorization by a standard individual permit. Moreover, compliance with the provisions of this RGP does not itself guarantee that the work is authorized by this RGP. Activities that appear to comply with the provisions of this RGP but would have an unacceptable adverse impact on the public interest are not authorized.

Activities authorized by RGP-4: Work authorized by RGP-4 is limited to the activities described below and located in Southern Lake Chelan. For the purposes of this RGP, “Southern Lake Chelan” is defined as the portion of Lake Chelan downlake (south) of a line drawn between Limekiln Point (-120.2716; 48.0139) and Box Canyon Creek (-120.3324; 48.0145) (see Appendix D for a map of this limit). All structures and activities authorized must be for noncommercial use. Authorized activities include maintenance, modification, construction, and retention of residential overwater structures for the purpose of water access and recreation. Overwater structures for this RGP are defined as piers, ramps, floats, watercraft lifts, seasonal swim floats, and their associated structures. Associated structures include concrete footings, piling and caps, float stops/stub piles, ladders, handrails, swim steps davits (suspended watercraft lifts), watercraft grids or lifts, cleats, fenders, and lighting. RGP-4 only authorizes the installation, construction, or retention of one pier/ramp/float structure and one seasonal swim float per property. The section of the RGP labeled *Project Impact Reduction and Conservation Measures* provides additional details about limitations.

Application Procedure: Authorization under this RGP requires that prospective permittees notify the Corps of the proposed work in accordance with the application procedures described in this section. Applicants shall not proceed with the proposed work until the District Engineer or their designee issues written notification that the proposed project appears to meet the requirements of this RGP and is authorized. To notify the Corps of a proposed project that may qualify for authorization under this RGP, the prospective permittee must submit the following information:

1. **Application:** The Corps requires that the applicant submit a completed Joint Aquatic Resources Permit Application (JARPA) and Appendix A of this RGP. Submittal of a complete application constitutes the applicant’s voluntary agreement to meet all of the requirements of this RGP.
2. **Drawings:** A complete application also includes a vicinity map and plan, profile, and cross-section drawings of the proposed structures. Overwater structures on adjacent properties should be shown. The drawings must include a title block. For assistance with preparation of the drawings, please refer to the *Drawing Checklist*, available on our website at www.nws.usace.army.mil, select “Regulatory Branch, Permit Information” then “Forms”.
3. **Cultural/Archeological Resources Information:** For activities that may affect historic properties listed or eligible for listing in the National Register of Historic Places, a complete application must include a description of each historic property that may be affected by the proposed work and a map indicating the location of the property. We will notify the applicant if an archeological survey is necessary.
4. A signed Joint-Use Agreement if the overwater structure will be jointly used by multiple landowners.

Also, please submit any other relevant information which will help with our permit review, such as:

- Hydraulic Project Approval (HPA) obtained from the Washington Department of Fish and Wildlife.
- Photographs of the project area and shoreline.
- Copies of other environmental compliance documents or permits.

PROJECT IMPACT REDUCTION AND CONSERVATION MEASURES

Activities authorized by RGP-4 must comply with all applicable Project Impact Reduction and Conservation Measures (CMs) listed below.

Maintenance:

1. Any maintenance performed on an authorized structure shall not change the size or configuration from that which was originally authorized unless the changes are environmentally beneficial and reduce the size of the structure.

Piers, Ramps, and Floats:

2. This permit authorizes only one pier/ramp/float structure per property. This property must front Lake Chelan. Submerged structural components of piers, ramps, and floats, including concrete footings, framing, and cross bracing shall be minimized to that which is required for structural stability.
3. A float system must be held in place by piling or other fixed structures and may consist of more than one individual float. Float stoppers must be installed so that the float does not rest on the substrate at any time.
4. The width of any individual section of deck shall not exceed 6 feet for piers and floats and 4 feet for ramps.
5. Total deck area of single-use piers, floats, ramps, and other overwater structures waterward of the ordinary high-water mark shall not exceed 320 square feet. If it is necessary to have a single-use structure greater than 55 feet in length because of water depth limitations referenced in CM 4, the total area of the structures shall not exceed 450 square feet.
6. Total deck area of joint-use piers, floats, ramps, and other overwater structures waterward of the ordinary high-water mark, shall not exceed 450 square feet.
7. Only open pile pier construction is authorized.
8. Flotation for the float shall be fully enclosed and contained in a shell (e.g., polystyrene tubs not shrink wrapped or sprayed coatings) that prevents breakup or loss of the flotation material into the water and is not readily subject to damage by ultraviolet radiation or abrasion caused by rubbing against piling or waterborne debris.
9. No other structures or shading objects such as, but not limited to, storage boxes, benches, planters, sheds, tables, outdoor furniture, living quarters, fueling facilities, carpeting, or covered watercraft moorage shall be constructed or installed on any overwater structure authorized under this RGP. No new associated landings or abutments at or waterward of the ordinary high-water mark are authorized under this RGP. These would include, but are not limited to, precast or poured in place concrete or rock structures.

Piling and Associated Fill:

10. Fill around piling may only be used when the condition of the substrate prevents the use of driven piles. Rationale for the construction of concrete footings must be included with the PCN. The total amount of fill used to secure all piles associated with a structure shall not exceed 10 cubic yards but is limited to the minimum amount necessary to secure the piles. Fill material is limited to clean rock and concrete. Concrete footings must be poured in the dry when possible and always in tightly sealed forms.

11. Concrete footings must have at least 1 foot of natural substrate placed above the footing to prevent exposure of footings.
12. For impact pile driving of steel piles 10 inches in diameter or less, a block or layers of wood at least 6 inches thick between the pile driver and pile or a bubble curtain shall be used during driving. For steel pile greater than 10 inches in diameter, both 6 inches of wood between pile driver and pile, and a bubble curtain shall be used during driving.

Watercraft Lift:

13. Under this RGP, only one uncovered watercraft lift may be installed at a single-use overwater structure. A maximum of two uncovered watercraft lifts may be installed at a joint-use overwater structure. Any additional lifts would need to be authorized under a different permit.

Seasonal Swim Float:

14. Under this RGP, only one seasonal swim float, not to exceed 100 square feet may be installed per property. Swim float anchoring should consist of a helical anchor screw and midline float. A precast concrete anchor may only be used when the condition of the substrate prevents the use of a helical anchor screw. Rationale for the use of a concrete anchor must be included with the PCN. The seasonal swim float is to be detached from the anchor system and removed from the lake between November 1 and April 30 of every year. Any year-round swim floats would need to be authorized under a different permit.

Mitigation: To minimize impacts to the aquatic environment and reduce cumulative impacts, mitigation in all its forms (avoidance, minimization, and compensation) is required for new pier/ramp/float overwater structures. The mitigation must be retained and/or maintained for the duration that the authorized structure is in place. For every new pier, ramp, float, swim float, or second watercraft lift, the permittee must implement at least one of the following mitigation measures:

15. Mitigation measure options:
 - a. The pier width is limited to 4 feet or less.
 - b. Installation of grating covering the entire surface of the pier and ramp, or seasonal swim float.
 - c. Planting a riparian area with trees and shrubs evenly interspersed. The size of the riparian area must be at least 1:1 ratio with the amount of overwater coverage. For example, if a 320 square foot pier is proposed, 320 square feet of riparian area must be planted for this mitigation measure. Before the applicant selects this mitigation measures, they must have the Corps review the specific site conditions to ensure that plantings are appropriate and will be successful at the selected location.
 - i. The prospective permittee is required to establish and preserve the planting plot at the project site for the duration that the overwater structure is in place. A drawing of the proposed planting area must be recorded with the Registrar of Deeds per General Condition 3 of this RGP within 60 days after final Corps authorization. Proof of this must be provided to the Corps within 65 days after the date of the Corps' RGP verification letter to the permittee.
 - ii. The planting plot(s) will be planted (cuttings, burlapped roots or 1 – 5 gallon size) with native shrubs and trees.
 - iii. The plot needs to be on the property but does not need to be located adjacent to the

- overwater structures. However, the waterward edge of the planting area must be no further than 10 feet from the ordinary high watermark of the lake and oriented parallel to the shoreline.
- iv. The shrubs will be planted at intervals of 3-feet on center, and the trees will be planted at intervals of 10-feet on center. The Corps must approve the planting plan prior to issuance of a RGP verification letter. The plant species must be from the plant list in Appendix C or must be a species approved by the Corps.
 - v. Performance Standards. One hundred percent survival of all planted trees and shrubs is required during the first and second years after planting the plot(s). During the third through fifth years after planting, a minimum 80 percent survival is required. The permittee must protect the planting plot(s) against predation—the Corps recommends fencing. Individual plants that die must be replaced with native shrubs and trees taken from the plant list in Appendix C. Maintenance of the mitigation area includes removal and replacement of dead or dying plants and removal of invasive and/or noxious weeds. Maintenance does not include trimming or mowing of the mitigation plants. The mitigation plants must be allowed to develop naturally. If during the 5 years of monitoring, contingency plans are required (e.g., irrigation, additional plantings, planting different species), the permittee must implement any Corps-required contingency plans.
 - vi. Mitigation planting monitoring reports will be due annually, no later than November 30 of each monitoring year, for 5 years from when Corps accepts the as-built drawings. The mitigation monitoring report will include written and photographic documentation of tree and shrub mortality and replanting efforts. Photographs must be taken between June – August (the best time of year to show plant growth). Photographs must show a panoramic view of the entire mitigation planting area. Set points from where photos are taken must be established and used repeatedly for each monitoring year. The date of the photos must be noted on the monitoring report. The permittee can meet this reporting requirement by submitting to the Corps a completed Mitigation Planting Monitoring Report, Appendix E.
- d. Installation of large woody material (LWM) north of 25-Mile Creek.
 - i. The ratio or amount of LWM would be determined on a case-by-case basis. The LWM must have complex structure (e.g., branches and/or root wads). The LWM must be placed at or landward of the 1079-foot elevation contour so that the maximum amount of water covers the structure for the entire year. The LWM must not interfere with navigation.
 - ii. The placement of the LWM must be completed within one year of RGP verification. A report on the installation must be submitted to the Corps no later than 12 months from the date of permit issuance. The permittee can meet this reporting requirement by submitting to the Corps a completed Status/As-Built Report for Mitigation Work Completion, Appendix D. The report must include photographic documentation showing the installation of the LWM from the installation vessel. The photographs should be taken facing the shoreline and should show landmarks on the shoreline to verify the location of the placement of the LWM. In addition, the documentation must include the latitude and longitude and elevation of the LWM.
 - e. Use of other Corps-approved project- and site-specific mitigation. The applicant may propose an alternate form of compensatory mitigation (e. g. derelict pile or concrete debris

removal or use of a Corps approved in-lieu fee program or mitigation bank). However, the Corps is the sole authority to determine if the compensatory mitigation is appropriate and adequate to compensate for impacts to waters of the U.S. The applicant must comply with all Special Conditions added to the RGP verification to ensure the mitigation is successfully implemented.

Work in the Dry:

16. All work shall occur in the dry whenever practicable.

Prohibition of Discharge of Fill in Wetlands:

17. No fill permitted herein shall be placed in wetlands. Non-fill structure placement in or over wetlands shall be limited to the minimum amount necessary.

Revegetation of Disturbed Riparian Areas:

18. Disturbance of bank vegetation shall be limited to the minimum amount necessary to accomplish the project. Disturbed bank vegetation shall be replaced with native, locally adapted species appropriate for the site.

Preservatives:

19. No paint, stain, preservative or other protective coating application shall occur while the structure is in or over the water body, and any such application shall be completely cured prior to the structure being returned to the water. If treated wood is used, wood must be treated with wood preservatives in compliance with the Registration Documents issued by EPA under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), and following the Western Wood Preservers Institute (WWPI) guidelines and BMPs to minimize the preservative migrating from treated wood into aquatic environments (see http://www.wwpinstitute.org/documents/BMP_Revise_4.3.12.pdf). Rub strips are required if treated wood is to be used for fender piling.

Equipment Operation:

20. Equipment shall be operated from the top of the bank, work platform, or similar out-of-water location whenever possible. Equipment shall be operated in a manner that minimizes the suspension of particulates. All equipment used in or around waters shall be clean and inspected daily prior to use to ensure that the equipment has no fluid leaks. Should a leak develop during use, the leaking equipment shall be removed from the site immediately and not used again until it has been adequately repaired. No equipment may be stored or fueled within 100 feet of the waterbody.

21. If heavy equipment is used to accomplish the work, a Spill Prevention, Control, and Countermeasure (SPCC) plan must be implemented. A copy of the SPCC plan must be available to the Corps upon request during all construction activities.

RGP GENERAL CONDITIONS

Department of the Army authorization under this RGP is subject to the following General Conditions:

1. Reliance on Permittee's Information. In verifying a permittee's authorization under this RGP, the Department of the Army has relied, in part, on the information provided by the permittee. If this information proves to be false, incomplete, or inaccurate, the permittee's authorization may be modified, suspended, or revoked, in whole or in part. If the authorization is revoked, any work completed under the authorization must be removed, without expense to the United States.

2. Compliance with Terms and Conditions. Projects authorized by this RGP shall comply with all terms and conditions herein. Failure to abide by these terms and conditions invalidates this authorization and may result in a violation of Federal law, which may require that the permittee restore the site or take other remedial action. Activities requiring Department of the Army authorization that are not specifically authorized by this RGP are prohibited unless authorized by another Department of the Army permit.
3. Deed Restriction: For projects with mitigation or a joint-use agreement, a copy of the completed Appendix A, permit drawings, mitigation planting plan or joint-use agreement (if applicable), and final authorization letter shall be recorded with the local government (Registrar of Deeds of the county or city), within 60 days after final Corps authorization, to ensure that subsequent property owners are aware of the construction, use, and mitigation requirements. Proof of this must be provided to the Corps within 65 days after the date of the Corps' RGP verification letter to the permittee.
4. Contractor's Copy of Permit. The permittee shall provide complete copies of this permit and the Corps verification letter for the authorized project to each contractor involved in the project and keep copies of this permit and Corps verification letter available for inspection at the project site.
5. Compliance Certification. Every permittee shall submit to the Corps, within 30 days of completing the authorized work, certification that the work, including any required mitigation, was conducted in accordance with the provisions of this RGP, including case-specific special conditions. The permittee must use the *Certificate of Compliance with the Department of the Army Permit*, available on our website at www.nws.usace.army.mil, select "Regulatory Branch, Permit Information" then "Forms".
6. Access for Inspection. The permittee shall allow the District Engineer or their authorized representative to inspect the project whenever deemed necessary to ensure that the activity is in compliance with the terms and conditions prescribed herein.
7. Limits of Authorization. This permit does *not*:
 - a. Obviate the requirement to obtain all other Federal, State, or local authorizations required by law for the activity authorized herein, including any authorization required from Congress.
 - b. Convey any property rights, either in real estate or material, or any exclusive privileges.
 - c. Authorize any injury to property, invasion of rights, or any infringement of Federal, State, or local laws or regulations.
 - d. Authorize the interference with any existing or proposed Federal project.
8. Limits of Federal Liability. This permit is not an approval of the design features of any authorized project or an implication that such project is adequate for the intended purpose; a Department of the Army permit merely expresses the consent of the Federal Government to conduct the proposed work insofar as public rights are concerned. In issuing this RGP, the Federal Government does not assume any liability for the following:

- a. Design or construction deficiencies associated with the authorized work.
 - b. Damages to the permitted project or uses thereof as a result of other permitted activities or from natural causes, such as flooding.
 - c. Damages to persons, property, or to other permitted or unauthorized activities or structures caused by the activity authorized by this permit.
 - d. Damages associated with any future modification, suspension, or revocation of this permit.
 - e. The removal, relocation, or alteration of any structure or work in navigable waters of the United States ordered by the Secretary of the Army or their authorized representative.
 - f. Damage to the permitted project or uses thereof as a result of current or future activities undertaken by, or on behalf of, the United States in the public interest.
9. Tribal Rights. No activity may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
 10. State-Owned Aquatic Lands. Projects proposed on state-owned aquatic lands will require a Use Authorization from the Washington Department of Natural Resources. Applicants should call (360) 902-1100 for more information.
 11. Obstruction of Navigation. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration of the work herein authorized, or if, in the opinion of the Secretary of the Army or their authorized representative, said structure or work unreasonably obstructs the full and free use of navigable waters of the United States, the permittee shall, upon due notice from the Corps, remove, relocate, or alter the obstructions caused thereby, without expense to the United States. If the permittee fails to comply with the direction of the Corps, the District Engineer may restore the navigable capacity of the waterway, by contract or otherwise, and recover the cost thereof from the permittee.
 12. Stability. The permittee shall design projects to be stable against the forces of flowing water, wave action, and the wake of passing vessels.
 13. Maintenance. The permittee shall properly maintain all authorized structures, including maintenance necessary to ensure public safety. The permittee must obtain the appropriate authorization from the Corps before maintenance work occurs. This RGP or Nationwide Permit 3 may authorize any required maintenance activities on the structures authorized by this RGP.
 14. Marking Structures. The permittee shall install and maintain any lights, signals, or other appropriate markers necessary to clearly designate the location of structures or work that might pose a hazard to public safety. Permittees shall abide by U.S. Coast Guard requirements concerning the marking of structures and work in navigable waters of the United States.
 15. Endangered Species. This RGP does not authorize any activity that is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Endangered Species Act.

16. Essential Fish Habitat. This RGP does not authorize any activity that may adversely affect Essential Fish Habitat as defined under the Magnuson-Stevens Fishery Conservation and Management Act.
17. Historic Properties. This RGP does not authorize any activity that may affect historic properties listed, or eligible for listing, in the National Register of Historic Places (NRHP) until the provisions of 33 CFR 325, Appendix C, have been satisfied. Historic properties include prehistoric and historic archeological sites, and areas or structures of cultural interest. A prospective permittee must notify the District Engineer if the proposed activity may affect an historic property that is listed, eligible for listing, or may be eligible for listing in the NRHP, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. If a previously unknown historic property is encountered during work authorized by this RGP, the permittee shall immediately cease all ground disturbing activities in the immediate area and notify the Corps within 1 business day of discovery. The permittee shall perform any work required by the Corps in accordance with Section 106 of the National Historic Preservation Act and Corps regulations and avoid any further impact to the property until the District Engineer verifies that the requirements of 33 CFR Part 325, Appendix C, have been satisfied.
18. Water Quality Standards. All activities authorized herein that involve a discharge into waters of the United States shall, at all times, remain consistent with the Department of Ecology Water Quality Certification (Order #7536) enclosure, all applicable water quality standards, effluent limitations and standards of performance, prohibitions, pretreatment standards, and management practices established pursuant to the Clean Water Act (P.L. 92-500; 86 Stat. 816) or pursuant to applicable State and local law.
19. Soil Erosion and Sediment Controls. The permittee shall use and maintain appropriate erosion and sediment controls in effective operating condition and permanently stabilize all exposed soil and other fills, including any work below the ordinary high water mark at the earliest practicable date using native vegetation to the maximum extent practicable. The permittee shall remove all installed controls as soon as they are no longer needed to control erosion or sediment.
20. Aquatic Life Movements. The permittee shall not substantially disrupt the necessary life-cycle movement of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area.
21. Management of Water Flows. To the maximum extent practicable, the activity must be designed to maintain downstream flow conditions. Furthermore, the activity shall not permanently restrict or impede the passage of normal or expected high flows. The permittee should limit the work conducted in waters of the United States to low- or no-flow periods.
22. Water Supply Intakes. The permittee shall ensure that activities authorized by this RGP have no more than a minimal adverse impact on public water supply intakes.
23. Suitable Material. Any material or structure placed in waters of the United States, whether temporary or permanent, shall be free of pollutants in toxic amounts.
24. Disposal of Excess Material. All construction debris and any other material not authorized by the Corps for permanent placement into waters of the United States shall be disposed of in an appropriate upland location in a manner that precludes it from entering waters of the United States.

25. **Removal of Temporary Fills.** Temporary fills must be removed in their entirety and the affected area returned to pre-construction contours and condition.
26. **Transfer of RGP Verification.** If the permittee sells the property associated with a RGP verification, the permittee may transfer the RGP verification to the new owner by having the new owner submit a letter to the Seattle District Corps office to validate the transfer. A transfer must occur if mitigation or a joint-use agreement is associated with the verification so that the new owner is aware of requirements. A copy of the RGP verification letter and permit drawings must be attached to the transfer letter, and the letter must contain the following statement and the new owner(s) signature: "I (we) understand that the structures or work authorized by this RGP verification have specific terms and conditions, including (if applicable) mitigation and joint-use requirements. I (we) understand that these terms and conditions will continue to be binding on us as the new owner(s) of the property as well as the associated liabilities associated with compliance with its terms and conditions."

Water Quality Certification: The Corps requested that the Washington Department of Ecology (Ecology) certify that activities authorized by this RGP for which these agencies are responsible, will not violate established water quality standards. Ecology made a water quality certification decision within the required time frame; therefore, water quality certification has been issued. Activities authorized by this RGP for which Ecology is not responsible should be coordinated with the appropriate agency or Tribe.

Endangered Species: The Endangered Species Act of 1973 (ESA), as amended, requires all federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS), pursuant to Section 7 of the ESA, on any action, or proposed action, permitted, funded, or undertaken by the agency that may affect a species listed as threatened or endangered under the ESA, or its designated critical habitat. The Corps has determined that activities that would be authorized by this RGP have no effect on any ESA-listed species.

Essential Fish Habitat: The Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). This RGP will not adversely affect EFH for federally managed fisheries in Washington waters. No further consultation is required.

Modification, Suspension, or Revocation of the RGP: This RGP may be modified, suspended, or revoked in whole or in part if the Secretary of the Army or their authorized representative determines that the individual or cumulative impacts of work that would be authorized using this procedure are contrary to the public interest. Any such modification, suspension, or revocation shall become effective 30 days after the issuance of a public notice announcing such action. The final decision whether to modify, suspend, or revoke this permit, in whole or in part, shall be made pursuant to procedures prescribed by the Chief of Engineers. Following such revocation, any future activities heretofore authorized by this RGP will require alternate Department of the Army authorization.

The authorization of an individual project under this RGP may also be summarily modified, suspended, or revoked, in whole or in part, if the permittee either fails to abide by the terms and conditions of this permit or provides information that proves to be false, incomplete, or inaccurate, or, upon a finding by the District Engineer that such action would be in the public interest. If a permittee's authorization is revoked, the permittee shall, upon notice of such revocation, without expense to the United States and in such time and manner as the Secretary of the Army or their authorized representative may direct, restore the waterway to

its former condition. If the permittee fails to comply with the direction of the Secretary of the Army or their authorized representative, the Secretary or their designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

Expiration of the RGP: This permit shall become effective on the date of the signature of the District Engineer or their authorized representative and will automatically expire five years from that date unless the permit is modified, revoked, or extended prior to that date. Activities that have commenced (e.g., are under construction) or are under contract to commence in reliance upon this permit will remain authorized provided that the activity is completed within one year of the date of this permit's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization.

Appendix A: RGP-4 List of Requirements

Appendix B: Map of Southern Lake Chelan

Appendix C: Plant List and Example Planting Plan

Appendix D: Status/As-built Report for Mitigation Work Completion for RGP-4

Appendix E: Mitigation Planting Monitoring Report for RGP-4

APPENDIX A
Regional General Permit 4 (RGP-4)
List of Requirements
November 22, 2021

Please read all Construction Specification and Conservation Measures of RGP-4 carefully. You must meet all applicable conditions to qualify for RGP-4. For us to determine if your proposal meets all of the conditions of RGP-4, you must submit a preconstruction notification or application (JARPA or ENG form), project and mitigation drawings/plans, and any other documentation, as applicable. The requirements are displayed in this list format to help you determine if your project meets the conditions of RGP-4. You are not required to submit this list as part of your permit application.

Application materials may be submitted to NWS-PermitApp@usace.army.mil or U.S. Army Corps of Engineers, Regulatory Branch, P.O. Box 3755, Seattle, Washington 98124-3755.

Construction Specifications and Conservation Measures	
	<u>Maintenance:</u> 1. Any maintenance performed on an authorized structure shall not change the size or configuration from that which was originally authorized unless the changes are environmentally beneficial and reduce the size of the structure.
	<u>Piers, Ramps, and Floats:</u> 2. This permit authorizes only one pier/ramp/float structure per property. This property must front Lake Chelan. Submerged structural components of piers, ramps, and floats, including concrete footings, framing, and cross bracing shall be minimized to that which is required for structural stability.
	3. A float system must be held in place by piling or other fixed structures and may consist of more than one individual float. Float stoppers must be installed so that the float does not rest on the substrate at any time.
	4. The width of any individual section of deck shall not exceed 6 feet for piers and floats and 4 feet for ramps.
	5. Total deck area of <u>single-use</u> piers, floats, ramps, and other overwater structures waterward of the ordinary high-water mark shall not exceed 320 square feet. If it is necessary to have a single-use structure greater than 55 feet in length because of water depth limitations referenced in CM 4, the total area of the structures shall not exceed 450 square feet.
	6. Total deck area of <u>joint-use</u> piers, floats, ramps, and other overwater structures waterward of the ordinary high-water mark, shall not exceed 450 square feet.
	7. Only open pile pier construction is authorized.
	8. Flotation for the float shall be fully enclosed and contained in a shell (e.g., polystyrene tubs not shrink wrapped or sprayed coatings) that prevents breakup or loss of the flotation material into the water and is not readily subject to damage by ultraviolet radiation or abrasion caused by rubbing against piling or waterborne debris.
	9. No other structures or shading objects such as, but not limited to, storage boxes, benches, planters, sheds, tables, outdoor furniture, living quarters, fueling facilities, carpeting, or covered watercraft moorage shall be constructed or installed on any overwater structure authorized under this RGP. No new associated landings or abutments at or waterward of the ordinary high-water mark are authorized under this RGP. These would include, but are not limited to, precast or poured in place concrete or rock structures.
	<u>Piling and Associated Fill:</u> 10. Fill around piling may only be used when the condition of the substrate prevents the use of driven piles. Rationale for the construction of concrete footings must be included with the PCN. The total amount of fill used to secure all piles associated with a structure shall not exceed 10 cubic yards but is limited to the minimum amount necessary to secure the piles. Fill material is limited to clean rock and concrete. Concrete footings must be poured in the dry when possible and always in tightly sealed forms.

	11. Concrete footings must have at least 1 foot of natural substrate placed above the footing to prevent exposure of footings.
	12. For impact pile driving of steel piles 10 inches in diameter or less, a block or layers of wood at least 6 inches thick between the pile driver and pile or a bubble curtain shall be used during driving. For steel pile greater than 10 inches in diameter, both 6 inches of wood between pile driver and pile, and a bubble curtain shall be used during driving.
	<p><u>Watercraft Lift:</u></p> 13. Under this RGP, only one uncovered watercraft lift may be installed at a single-use overwater structure. A maximum of two uncovered watercraft lifts may be installed at a joint-use overwater structure. Any additional lifts would need to be authorized under a different permit.
	<p><u>Seasonal Swim Float:</u></p> 14. Under this RGP, only one seasonal swim float, not to exceed 100 square feet may be installed per property. Swim float anchoring should consist of a helical anchor screw and midline float. A precast concrete anchor may only be used when the condition of the substrate prevents the use of a helical anchor screw. Rationale for the use of a concrete anchor must be included with the PCN. The seasonal swim float is to be detached from the anchor system and removed from the lake between November 1 and April 30 of every year. Any year-round swim floats would need to be authorized under a different permit.
	<p><u>Mitigation:</u> To minimize impacts to the aquatic environment and reduce cumulative impacts, mitigation in all its forms (avoidance, minimization, and compensation) is required for new pier/ramp/float overwater structures. The mitigation must be retained and/or maintained for the duration that the authorized structure is in place. For every <u>new</u> pier, ramp, float, swim float, or <u>second</u> watercraft lift, the permittee must implement at least <u>one</u> of the following mitigation measures:</p> 15. Mitigation measure options: <ol style="list-style-type: none"> a. The pier width is limited to 4 feet or less. b. Installation of grating covering the entire surface of the pier and ramp, or seasonal swim float. c. Planting a riparian area with trees and shrubs evenly interspersed. The size of the riparian area must be at least 1:1 ratio with the amount of overwater coverage. For example, if a 320 square foot pier is proposed, 320 square feet of riparian area must be planted for this mitigation measure. Before the applicant selects this mitigation measures, they must have the Corps review the specific site conditions to ensure that plantings are appropriate and will be successful at the selected location. <ol style="list-style-type: none"> i. The prospective permittee is required to establish and preserve the planting plot at the project site for the duration that the overwater structure is in place. A drawing of the proposed planting area must be recorded with the Registrar of Deeds per General Condition 3 of this RGP within 60 days after final Corps authorization. Proof of this must be provided to the Corps within 65 days after the date of the Corps' RGP verification letter to the permittee. ii. The planting plot(s) will be planted (cuttings, burlapped roots or 1 – 5 gallon size) with native shrubs and trees. iii. The plot needs to be on the property but does not need to be located adjacent to the overwater structures. However, the waterward edge of the planting area must be no further than 10 feet from the ordinary high watermark of the lake and oriented parallel to the shoreline. iv. The shrubs will be planted at intervals of 3-feet on center, and the trees will be planted at intervals of 10-feet on center. The Corps must approve the planting plan prior to issuance of a RGP verification letter. The plant species must be from the plant list in Appendix C or must be a species approved by the Corps. v. Performance Standards. One hundred percent survival of all planted trees and shrubs is required during the first and second years after planting the plot(s). During the third through fifth years after planting, a minimum 80 percent survival is required. The permittee must protect the planting plot(s) against predation—the Corps recommends fencing. Individual plants that die must be replaced with native shrubs and trees taken from the plant list in Appendix C. Maintenance of the mitigation area includes removal and replacement of dead or dying plants and removal of invasive and/or noxious weeds. Maintenance does <u>not</u> include trimming or mowing of the mitigation plants. The mitigation plants <u>must</u> be allowed to develop naturally. If during the 5 years of

	<p>monitoring, contingency plans are required (e.g., irrigation, additional plantings, planting different species), the permittee must implement any Corps-required contingency plans.</p> <p>vi. Mitigation planting monitoring reports will be due annually, no later than November 30 of each monitoring year, for 5 years from when Corps accepts the as-built drawings. The mitigation monitoring report will include written and photographic documentation of tree and shrub mortality and replanting efforts. Photographs must be taken between June – August (the best time of year to show plant growth). Photographs must show a panoramic view of the entire mitigation planting area. Set points from where photos are taken must be established and used repeatedly for each monitoring year. The date of the photos must be noted on the monitoring report. The permittee can meet this reporting requirement by submitting to the Corps a completed <i>Mitigation Planting Monitoring Report</i>, Appendix E.</p> <p>d. Installation of large woody material (LWM) north of 25-Mile Creek.</p> <p>i. The ratio or amount of LWM would be determined on a case-by-case basis. The LWM must have complex structure (e.g., branches and/or root wads). The LWM must be placed at or landward of the 1079-foot elevation contour so that the maximum amount of water covers the structure for the entire year. The LWM must not interfere with navigation.</p> <p>ii. The placement of the LWM must be completed within one year of RGP verification. A report on the installation must be submitted to the Corps no later than 12 months from the date of permit issuance. The permittee can meet this reporting requirement by submitting to the Corps a completed <i>Status/As-Built Report for Mitigation Work Completion</i>, Appendix D. The report must include photographic documentation showing the installation of the LWM from the installation vessel. The photographs should be taken facing the shoreline and should show landmarks on the shoreline to verify the location of the placement of the LWM. In addition, the documentation must include the latitude and longitude and elevation of the LWM.</p> <p>e. Use of other Corps-approved project- and site-specific mitigation. The applicant may propose an alternate form of compensatory mitigation (e. g. derelict pile or concrete debris removal or use of a Corps approved in-lieu fee program or mitigation bank). However, the Corps is the sole authority to determine if the compensatory mitigation is appropriate and adequate to compensate for impacts to waters of the U.S. The applicant must comply with all Special Conditions added to the RGP verification to ensure the mitigation is successfully implemented.</p>
	<p><u>Work in the Dry:</u> 16. All work shall occur in the dry whenever practicable.</p>
	<p><u>Prohibition of Discharge of Fill in Wetlands:</u> 17. No fill permitted herein shall be placed in wetlands. Non-fill structure placement in or over wetlands shall be limited to the minimum amount necessary.</p>
	<p><u>Revegetation of Disturbed Riparian Areas:</u> 18. Disturbance of bank vegetation shall be limited to the minimum amount necessary to accomplish the project. Disturbed bank vegetation shall be replaced with native, locally adapted species appropriate for the site.</p>
	<p><u>Preservatives</u> 19. No paint, stain, preservative or other protective coating application shall occur while the structure is in or over the water body, and any such application shall be completely cured prior to the structure being returned to the water. If treated wood is used, wood must be treated with wood preservatives in compliance with the Registration Documents issued by EPA under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), and following the Western Wood Preservers Institute (WWPI) guidelines and BMPs to minimize the preservative migrating from treated wood into aquatic environments (see http://www.wwpinstitute.org/documents/BMP_Revise_4.3.12.pdf). Rub strips are required if treated wood is to be used for fender piling.</p>

	<p><u>Equipment Operation:</u></p> <p>20. Equipment shall be operated from the top of the bank, work platform, or similar out-of-water location whenever possible. Equipment shall be operated in a manner that minimizes the suspension of particulates. All equipment used in or around waters shall be clean and inspected daily prior to use to ensure that the equipment has no fluid leaks. Should a leak develop during use, the leaking equipment shall be removed from the site immediately and not used again until it has been adequately repaired. No equipment may be stored or fueled within 100 feet of the waterbody.</p>
	<p>21. If heavy equipment is used to accomplish the work, a Spill Prevention, Control, and Countermeasure (SPCC) plan must be implemented. A copy of the SPCC plan must be available to the Corps upon request during all construction activities.</p>
	<p>Compliance with RGP General Conditions 1 through 26 of RGP-4. Refer to full text of RGP-4 for the list of General Conditions.</p>

APPENDIX B Map of Southern Lake Chelan

RGP-4 only authorizes work in Southern Lake Chelan. The upper limits of Southern Lake Chelan are shown on this map.



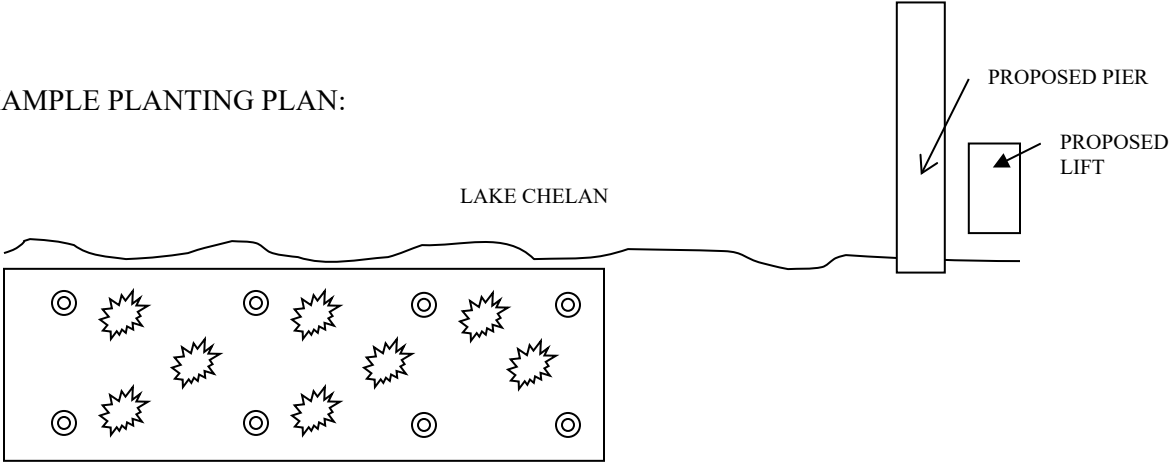
APPENDIX C

Plant List and Example Planting Plan

List of Approved Plant Species

Common Name	Scientific Name
Shrubs:	
Serviceberry	<i>Amelanchier alnifolia</i>
Tall Oregon-grape	<i>Berberis aquifolium</i>
Sticky-laurel/Snowbrush	<i>Ceanothus velutinus</i>
Red-twig Ceanothus	<i>Ceanothus sanguineus</i>
Virgin's bower	<i>Clematis ligusticifolia</i>
Redosier dogwood	<i>Cornus sericea</i>
Ocean spray	<i>Holodiscus discolor</i>
Western Juniper	<i>Juniperus occidentalis</i>
Rocky Mountain juniper	<i>Juniperus scopulorum</i>
Black twinberry	<i>Lonicera involucrata</i>
Utah honeysuckle	<i>Lonicera utahensis</i>
Mock orange	<i>Philadelphus lewisii</i>
Black chokecherry	<i>Prunus virginiana</i> var. <i>melanocarpa</i>
Mallow ninebark	<i>Physocarpus malvaceus</i>
Golden currant	<i>Ribes aureum</i>
Wild rose	<i>Rosa gymnocarpa</i>
Wood's rose	<i>Rosa woodsii</i>
Peach-leaf willow	<i>Salix amygdaloides</i>
Bebb's willow	<i>Salix bebbiana</i>
Trees:	
Douglas Maple	<i>Acer glabrum</i> var. <i>douglasii</i>
Gray alder	<i>Alnus incana</i>
White alder	<i>Alnus rhombifolia</i>
Sitka alder	<i>Alnus sinuata</i>
Water birch	<i>Betula occidentalis</i>
Paper birch	<i>Betula papyrifera</i>
Hackberry	<i>Celtis reticulata</i>
Black hawthorn, douglas	<i>Crataegus douglasii</i> var. <i>douglasii</i>
Ponderosa pine	<i>Pinus ponderosa</i>
Black cottonwood	<i>Populus balsamifera</i>
Quaking aspen	<i>Populus tremuloides</i>

EXAMPLE PLANTING PLAN:



8 Trees and 8 Shrubs

⊙ P. balsaminifera
10 feet on center

★ S. prolixa
3 feet on center

PLAN VIEW
Scale:
1 inch = 10 feet

APPENDIX D

Status / As-built Report for Mitigation Work Completion for RGP-4

Within one (1) year or earlier as indicated on this report, of the date of your RGP verification letter, submit this completed report to: NWS.Compliance@usace.army.mil or U.S. Army Corps of Engineers, Regulatory Branch, P.O. Box 3755, Seattle, WA 98124-3755. For planting mitigation, you must complete and submit Appendix E of RGP-4 annually after the Corps accepts your as-built drawings of the mitigation construction.

Corps Reference Number: _____

Date the Corps Issued Your Permit: _____

Date this Report is Due: _____

Your Name: _____

Your Address: _____

Your City/State/Zip Code: _____

Check the authorized mitigation activity performed and include the required attachments:

- Mitigation option “a”; Pier width is 4 feet or less
Attachment: Photos of the as-built structure showing the pier width
- Mitigation option “b”; Installation of grating
Attachment: Photos of the as-built structure showing the grating
- Mitigation option “c”; Plantings
Attachment: Photographs of the mitigation area (preferably taken during June – August).

Conditions of your Corps permit require 100% survival of all planted trees and shrubs during the first and second years after planting. During the third through fifth years after planting, 80% survival is required. Individual plants that die must be replaced with native species listed in RGP-4. You must protect your mitigation area—fencing is recommended.

Date of Installation	Species name of Plants	Number of Plants Installed

- Mitigation option “d”; installation of large woody material north of 25-Mile Creek
Attachments: Photographic documentation showing installation of LWM
 Latitude, longitude and elevation of LWM
- Mitigation option “e”; Other Corps-approved mitigation: _____
Date completed: _____

APPENDIX E
Mitigation Planting Monitoring Report for RGP-4

Submit this completed report by email or mail to: NWS.Compliance@usace.army.mil or U.S. Army Corps of Engineers, Regulatory Branch, P.O. Box 3755, Seattle, WA 98124-3755. A completed report must be submitted 1, 2, 3, 4 and 5 years after the Corps accepts your as-built drawing of the mitigation planting area.

Corps' Reference Number: _____

Date the Corps Issued Your Permit: _____

Mitigation Monitoring Year (1-5): _____

Permittee's Name: _____

Address: _____

City/State/Zip Code: _____

Phone Number: _____

Email: _____

You Must Attach to This Form: 1) Photographs of the mitigation area taken during the growing season.
2) As-built map with photo location points.

Photos must be provided at designated points; photo documentation must include a panoramic view(s) of the entire mitigation site. Submitted photos must be formatted on standard 8 1/2" x 11" paper, dated with the date the photo was taken, and clearly labeled with the direction from which the photo was taken. Photo location points must be identified on as-built map(s).

Date of Inspection	Species Name of Dead Plants	Number of Dead Plants	Name of Species Replanted	Number Replanted

Conclusions¹:

¹ *If performance standards are not being met, a brief explanation of the difficulties and potential remedial actions proposed by the permittee or sponsor, including a timetable, must be provided. For any potential remedial actions identified, the permittee or sponsor must specify which remedial actions will be implemented. The Corps will ultimately determine if the mitigation site is successful for a given monitoring period.*